

CHAPTER NO. 651

SENATE BILL NO. 2559

By Cohen

Substituted for: House Bill No. 2523

By McMillan

AN ACT To amend Tennessee Code Annotated, Title 36, Chapter 4; Title 36, Chapter 5; Title 36, Chapter 6 and Title 50, Chapter 2, relative to domestic relations.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-5-101(a)(2)(B), is amended by adding the words "dies or" between the word "person" and the word "remarries" in the third line of the subdivision.

SECTION 2. Tennessee Code Annotated, Section 36-5-101(a)(2)(B), is amended by adding the words "death or" between the word "the" and the word "remarriage" in the fifth line of the subsection.

SECTION 3. Tennessee Code Annotated, Section 36-5-101(a)(4)(A), is amended by adding the words "or spouse" between the word "children" and the word "shall" in the second line of the subsection.

SECTION 4. Tennessee Code Annotated, Section 36-5-501, is amended by adding the following subsection (h) and by redesignating the existing subsection (h) and the remaining subsections appropriately:

(h) For any order of alimony in solido, in futuro or rehabilitative issued modified or enforced on or after the effective date of this act, the court may order immediate assignment of the obligor's income, including, but not necessarily limited to: wages, salary, commissions, bonuses, workers' compensation, disability, payments pursuant to a pension or retirement program, profit-sharing, interest, annuities and other income due or to become due to the obligor. The order of assignment shall issue regardless of whether support payments are in arrears on the effective date of the order. The court's order may include an amount sufficient to satisfy an accumulative arrearage, if any, within a reasonable time. Withholding shall not exceed fifty percent (50%) of the employee's income after FICA, withholding taxes, and a health insurance premium which covers the child, if any, are deducted. The order shall also include an amount necessary to cover the fee due the clerk of the court, if appropriate.

SECTION 5. Tennessee Code Annotated, Section 36-5-501(j), is amended by deleting subdivision (2) in its entirety and by substituting instead the following new language:

(2) "Spousal support" for purposes of enforcement of child support by the Department of Human Services under the Title IV-D child support program means a legally enforceable obligation assessed against an individual for the support of a spouse or former spouse who is living with a child or children who are receiving child support

services from the department and for whom the individual also owes support. Income assignments pursuant to this part that are enforced as part of the Title IV-D services provided by the department shall apply to spousal support obligations as defined in this subdivision.

SECTION 6. Tennessee Code Annotated, Section 50-2-105(b), is amended by inserting the words "and/or spousal support" between the word "support" and the word "shall" in the first line of the subsection.

SECTION 7. Tennessee Code Annotated, Section 36-6-409(4), is amended by omitting the word "or" after the punctuation ";" in subdivision (B) and by adding a new subdivision (C) as follows and renumbering subsequent subdivisions appropriately:

(C) Enters a default judgment against the defendant; or

SECTION 8. Tennessee Code Annotated, Section 36-4-121(b)(2)(A), is amended by deleting the punctuation ";" at the end of the subdivision and by adding the words "including, but not limited to, assets held in individual retirement accounts (IRA's) as that term is defined in the Internal Revenue Code of 1986, as amended;" after the word "marriage".

SECTION 9. This act shall take effect upon becoming a law, the public welfare requiring it.

**PASSED: April 17, 2002**



JOHN S. WILDER  
SPEAKER OF THE SENATE



JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

**APPROVED this 24<sup>th</sup> day of April 2002**



DON SUNDQUIST, GOVERNOR